

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA
Minute Entry

Hearing Information:

Debtor: SUSAN SIMPSON
Case Number: 2:20-BK-02088-EPB **Chapter:** 13
Date / Time / Room: FRIDAY, OCTOBER 01, 2021 10:00 AM TELEPHONIC HRGS
Bankruptcy Judge: EDDWARD P. BALLINGER JR.
Courtroom Clerk: MARGARET KELLY
Reporter / ECR: LETICIA OROSCO

Matter:

DEBTOR'S MOTION TO ACCELERATE/EXPEDITE

R / M #: 210 / 0

Appearances:

SCOTT W. HYDER, ATTORNEY FOR SUSAN SIMPSON
SUSAN SIMPSON, DEBTOR
BRAD GILBERTSON, PRINCIPAL OF NEW HORIZONS
DON C FLETCHER, ATTORNEY FOR NEW HORIZONS 401K PROFIT SHARING PLAN
ROSS M MUMME, ATTORNEY FOR EDWARD J. MANEY

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Proceedings:

Mr. Hyder reviews the resolution with New Horizons and the pay off amount which was approved by the Court. Mr. Hyder states that the Trustee did pay the interest only payment on the note in August but did not pay it in September. Mr. Hyder requests the remaining interest payment from September and October be added to the closing pay off and details the amounts of the pay off. Mr. Hyder argues his position.

Mr. Fletcher responds to the Court that the interest is paid in arrears.

Mr. Gilbertson states that the additional amount is \$3,418.35.

Mr. Mumme states that the interest amounts would be paid through escrow but is not sure they should be paid by the Trustee. Mr. Mumme states that there should be sufficient funds on hand and worst case would be a shortfall of funds.

The Court suggests allowing the sale to close and to argue the additional funds at a later date.

Mr. Fletcher agrees with the Court's suggestion and believes the Court could resolve the issue today. Mr. Fletcher argues his position regarding the principal and how the interest is calculated.

Mr. Hyder requests to upload an order that states the pay off amount is \$127,378.72 and that New Horizons' withdraw any notice of default. Mr. Hyder states that at escrow an additional fifteen thousand dollars will be released to the Trustee which provides sufficient funds for any disputed amounts.

Mr. Fletcher requests that the minute entry state the sale is ordered to close and the other issues will be resolved at a later date.

COURT: FOR REASONS STATED ON THE RECORD, IT IS ORDERED THE TITLE COMPANY IS DIRECTED TO CLOSE THE PENDING SALE WITH A PAY OFF OF ALL UNDISPUTED AMOUNTS, INCLUDING THE AMOUNT OF \$127,378.72 TO NEW HORIZONS, WHICH PAYMENT IS WITHOUT PREJUDICE TO NEW HORIZONS' CLAIM IT IS ENTITLED TO AN ADDITIONAL AWARD OF AMOUNTS CURRENTLY HELD OR TO BE HELD BY THE TRUSTEE. ANY SUCH ENTITLEMENT SHALL BE DETERMINED BY THE COURT AT A LATER DATE. MR. HYDER MAY UPLOAD A PROPOSED ORDER, CONSISTENT WITH THE COURT'S RULING.

Dated and Signed Above

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